

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6324

BILL NUMBER: HB 1996

DATE PREPARED: Jan 23, 2001

BILL AMENDED:

SUBJECT: Racially Based Traffic Stops.

FISCAL ANALYST: David Hoppmann

PHONE NUMBER: 232-9559

FUNDS AFFECTED: X
X

GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Collection of Data-* This bill requires a law enforcement officer who makes a traffic stop to collect data regarding the stop and the race of the person stopped. It requires a law enforcement agency to compile the data annually and report the data to the office of the Attorney General. It requires the Attorney General to analyze the data annually and submit a report to the Indiana Legislative Council (the Council), the Governor, and law enforcement agencies.

Use of Data- It provides that data collected: (1) may be used only for research or statistical purposes and may not contain information that may reveal the identity of an individual who is stopped or a law enforcement officer; and (2) may not be used in a legal or administrative proceeding to establish an inference of discrimination on the basis of particular identifying characteristics.

Policy Adoption- It requires a law enforcement agency to adopt a policy: (1) prohibiting racially based traffic stops; (2) providing for the review of data to determine whether officers are making racially based traffic stops; and (3) providing for sensitivity training.

Effective Date: July 1, 2002.

Explanation of State Expenditures: The Indiana State Police (State Police) would experience an increase in administrative expenses regarding the provisions of this bill. Annual expenses could total approximately \$700,000 after a first year start-up cost of approximately \$1 M. Expenses would result from additional staff, computer reprogramming, and equipment.

Under current Indiana law, the State Police Department is not required to collect, maintain, and report data concerning the ethnicity of an individual who is stopped in violation of a motor vehicle statute or ordinance. In accordance with this bill, the State Police would be required to do so on a continual basis.

Specifically, the State Police would be required to: 1) regularly collect and compile various data; 2) regularly

submit the data to the Attorney General; and 3) adopt a policy on racially based traffic stops including items ranging from a probation against the practice of routinely stopping members of minority groups to a requirement that officers receive sensitivity training regarding the prohibition against racial profiling.

Attorney General- The Attorney General would experience an indeterminable increase in administrative expenses regarding the provisions of this bill. Expenses could possibly result from additional staff, computer reprogramming, and equipment.

Under current Indiana law, the Attorney General is not required to analyze and report findings of racially based traffic stops. In accordance with this bill, the Attorney General would be required to do so on an annual basis.

Specifically, the Attorney General would be required to determine the format for law enforcement agencies to report data as well as submit annual reports to the Governor, the Council, and to each law enforcement agency in the State. Reports would include items ranging from the total number of vehicles stopped by law enforcement agencies to the number and percentage of vehicles stopped that were driven by members of a minority group.

Use of Data- Compiled data could not be utilized in order to establish an inference of discrimination on the basis of particular identifying characteristics in legal or administrative proceedings. In addition, all compiled data would include only information that would not inadvertently reveal the identity of an individual stopped for a traffic violation and would only be used for research and statistical purposes.

The funds and resources required above could be supplied through a variety of sources, including the following: 1) existing staff and resources not currently being used to capacity; 2) existing staff and resources currently being used in another program; and 3) authorized, but vacant, staff positions, including those positions that would need to be reclassified.

Other sources to fund additional staff could originate from funds that otherwise would be reverted or from new appropriations. (The State Police reverted \$1,197,927 to the State General Fund for FY 2000. The Attorney General reverted \$499,566 to the State General Fund for the same fiscal year.)

Ultimately, the source of funds and resources required to satisfy the requirements of this bill would depend upon legislative and administrative actions. Funding for the Indiana State Police originates from the state General Fund and the Motor Vehicle Highway Fund. Funding for the administration of the Attorney General originates from the state General Fund.

Explanation of State Revenues:

Explanation of Local Expenditures: Law enforcement agencies could experience an increase in administrative expenses similar to those of the State Police. The specific effects would vary by agency and would depend upon the sophistication of each agency's personnel and equipment.

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General; Indiana State Police.

Local Agencies Affected: Local Law Enforcement Agencies.

Information Sources: Steve Hillman, Indiana State Police, (317) 232-8204.